

Comparative Constitutionalism Cases And Materials

Wen-Chen Chang, Li-ann Thio, Kevin YL Tan, Jiunn-rong Yeh

Comparative Constitutionalism Norman Dorsen, 2003 This law school casebook examines how the vast increase in international movements of people, capital, goods, ideas and information affect commercial relationships and the development of human rights. It contains examples from countries in all continents, examining the assumptions, choices, trade-offs and values that have formed the foundations of individual legal systems. Examples also illustrate how other constitutional democracies address similar problems, and illuminate different theories of constitutionalism as they have evolved in many types of legal systems. The work also seeks to help students comprehend the nature and problems of regional and international institutions and adjudicatory bodies.

Comparative Constitutionalism Norman Dorsen, Michel Rosenfeld, András Sajó, Susanne Baer, Susanna Mancini, 2016 This comparative constitutional law casebook offers a comprehensive and paradigmatic approach to the subject: it examines how the vast increase in international movements of people, capital, goods, ideas, and information affect politics in and beyond nation-states and how this influx affects the rule of law, separation of powers, and fundamental rights. Indeed, this casebook stands apart as it represents an international collaboration of legal scholars and allows for diversity of perspectives. Utilizing case excerpts from at least 40 countries across every continent, students will examine the assumptions, choices and trade-offs, strategies, and effects from decisions by constitutional courts and human rights tribunals throughout various legal systems and political contexts. Moreover, this book examines the different theories of constitutionalism and analyzes how constitutional democracies address similar issues in different institutional settings. This third edition includes new material that speaks to current issues of pressing importance: citizenship, transnational constitutionalism, authoritarian and illiberal constitutions, collective rights and minorities, Internet censorship, religion in the public space, mass surveillance, and targeted killings. Both teachers and students will appreciate the complete coverage of complex topics within a manageable size and format. A comprehensive teacher's manual accompanies the casebook. --

Dorsen, Rosenfeld and Sajo's Comparative Constitutionalism Norman Dorsen, Michel Rosenfeld, Professor of Human Rights and Director Program on Global and Comparative Constitutional Theory Michel Rosenfeld, Judge Andras Sajo, Susanne Baer, 2010-05 This law school casebook examines how the vast increase in international movements of people, capital, goods, ideas and information affect politics in and beyond nation-states, the rule of law and separation of powers, and fundamental

rights. It contains case excerpts from at least 40 countries in all continents, examining the assumptions, choices and trade-offs, strategies and effects of decisions from constitutional courts and human rights tribunals in different legal systems and political contexts. It discusses different theories of constitutionalism and how constitutional democracies address similar issues, in different institutional settings. The second edition newly covers the controversy concerning citations to foreign authorities in U.S. Supreme Court decisions, as well as cases arising out of the war on terrorism, including torture. In particular, there is new material on dignity, gay marriage, data protection, pornography, religious diversity, and developments in social welfare.

The U.S. Constitution and Comparative Constitutional Law Steven G. Calabresi, Bradley G. Silverman, Joshua Braver, 2016 Hardbound - New, hardbound print book.

Comparative Constitutional Law Harry E. Groves, 1963

Comparative Constitutional Law Mauro Cappelletti, William Cohen, 1979

Comparative Constitutional Process Thomas M. Franck, 1968

Comparative Constitutional Law Mark S. Kende, 2015 Harvard Law Professor Cass Sunstein has said that South Africa has the most admirable constitution in the history of the world. This comparative constitutional law casebook is unique because it allows students and experts in U.S. constitutional law (or other nations) to compare their approach with modern South African constitutionalism. The transformative and progressive South African Constitution adopts the most successful parts of existing parliamentary constitutions, while honoring the nation's African heritage. Further, it incorporates numerous international human rights such as socio-economic and environmental rights. The book's South African focus guarantees readers will grasp the contingency and social context of a foreign constitutional court's decisions, rather than primarily surveying cases from numerous other nations. Yet the introductory chapter also provides background on South Africa, and then exposes readers to key theoretical questions about comparativism. Moreover, that chapter briefly describes seven other constitutional democracies where the courts play important but different roles than in South Africa. These nations provide further context for the strong judicial review exercised by the South African Constitutional Court. Indeed, excerpts from that Court's decisions make up most of the core second chapter. The core chapter also contains questions about the reasoning of each South African case, as well as how that case compares to a single foreign case on the same topic. The book is suitable for law students, as well as other graduate and undergraduate students. In addition, the book is the first condensed version of South African constitutional case law published in the U.S. Thus, it functions as a research collection for experts, as well as a casebook.

Comparative Constitutional Process Seminaire de probabilités, 1968

Comparative Constitutional Process Thomas Martin Franck (jurist), 1968

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades. Once a minor and obscure adjunct to the field of domestic constitutional law, comparative constitutional law has now moved front and centre. Driven by the global spread of democratic government and the expansion of international human rights law, the prominence and visibility of the field, among judges, politicians, and scholars has grown exponentially. Even in the United States, where domestic constitutional exclusivism has traditionally held a firm grip, use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U.S. Supreme Court. The trend towards harmonization and international borrowing has been controversial. Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts, that seems far from the case in constitutional law. Can a parliamentary democracy be compared to a presidential one? A federal republic to a unitary one? Moreover, what about differences in ideology or national identity? Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context? Is it perilous to compare minority rights in a multi-ethnic state to those in its ethnically homogeneous counterparts? These controversies form the background to the field of comparative constitutional law, challenging not only legal scholars, but also those in other fields, such as philosophy and political theory. Providing the first single-volume, comprehensive reference resource, the 'Oxford Handbook of Comparative Constitutional Law' will be an essential road map to the field for all those working within it, or encountering it for the first time. Leading experts in the field examine the history and methodology of the discipline, the central concepts of constitutional law, constitutional processes, and institutions - from legislative reform to judicial interpretation, rights, and emerging trends.

Comparative Constitutional Review Michael Louis Corrado, 2005

The Identity of the Constitutional Subject Michel Rosenfeld, 2009-10-16 The last fifty years has seen a worldwide trend toward constitutional democracy. But can constitutionalism become truly global? Relying on historical examples of successfully implanted constitutional regimes, ranging from the older experiences in the United States and France to the relatively recent ones in Germany, Spain and South Africa, Michel Rosenfeld sheds light on the range of conditions necessary for the emergence, continuity and adaptability of a viable constitutional identity - citizenship, nationalism, multiculturalism, and human rights being important elements. *The Identity of the Constitutional Subject* is the first systematic analysis of the concept, drawing on philosophy, psychoanalysis, political theory and law from a comparative perspective to explore the relationship between the ideal of constitutionalism and the need to construct a common constitutional identity that is distinct from national, cultural, ethnic or religious identity. *The Identity of the Constitutional Subject* will be of interest to students and scholars in law, legal and political philosophy, political science, multicultural studies, international relations and US

politics.

Comparative Constitutional Process Thomas M. Franck, 1968

Constitutionalism in Asia Wen-Chen Chang, Li-ann Thio, Kevin YL Tan, Jiunn-rong Yeh, 2014-02-19 This book of text, cases and materials from Asia is designed for scholars and students of constitutional law and comparative constitutional law. The book is divided into 11 chapters, arranged thematically around key ideas and controversies, enabling the reader to work through the major facets of constitutionalism in the region. The book begins with a lengthy introduction that critically examines the study of constitutional orders in 'Asia', highlighting the histories, colonial influences, and cultural particularities extant in the region. This chapter serves both as a provisional orientation towards the major constitutional developments seen in Asia – both unique and shared with other regions – and as a guide to the controversies encountered in the study of constitutional law in Asia. Each of the following chapters is framed by an introductory essay setting out the issues and succinctly highlighting critical perspectives and themes. The approach is one of 'challenge and response', whereby questions of constitutional importance are posed and the reader is then led, by engaging with primary and secondary materials, through the way the various Asian states respond to these questions and challenges. Chapter segments are accompanied by notes, comments and questions to facilitate critical and comparative analysis, as well as recommendations for further reading. The book presents a representative range of Asian materials from jurisdictions including: Bangladesh, China, Hong Kong, India, Japan, Mongolia, Nepal, Pakistan, South Korea, Sri Lanka, Taiwan, Timor-Leste and the 10 ASEAN states.

Cases and Materials on Florida Constitutional Law Patrick McGinley, 2016 This book of CASES AND MATERIALS ON FLORIDA CONSTITUTIONAL LAW is intended for educational use. It differs from other casebooks on this topic in that it approaches the study of state constitutional law from a comparative constitutional law perspective. Part 1 explores the question of how a state constitution can produce its own jurisprudence in light of the supremacy of the United States Constitution. Part 2 outlines the canons of construction for the Florida Constitution. Part 3 introduces the concept that a state constitution can be a source of heightened civil liberties and fundamental rights. Part 4 explores this issue in greater detail by using the Florida Constitution as an example. Part 5 identifies Florida Constitutional rights without an exact parallel to those in the text of the US Constitution and asks whether Florida has taken its own path in interpreting or implementing the identified constitutional rights. Part 6 introduces rights embodied in the text of the Florida Constitution that are not embodied in the text of the US Constitution. In so doing, we compare Florida's approach to those of other state constitutions. Part 7 addresses the familiar refrain that unlike the federal constitution a state's constitution is a restriction upon power not a grant of power. Part 8 looks at state constitutional criminal procedure by examining the ancient origin of the jury and the recent origin of Florida criminal procedure. Part 9 examines the US Supreme Court's acceptance of a state's inherent police

power, and state-by-state differences in zoning and nuisance law, so as to better understand how eminent domain and inverse condemnation may differ under state constitutions such as Florida's.

Cases and Materials on EU Law Stephen Weatherill, 2016 This classic casebook provides a valuable selection of significant cases and legislation alongside an engaging range of carefully selected extracts, all of which are enhanced by insightful author notes in an easy-to-use and accessible format.

Comparative Constitutional Law Stephen F. Ross, Helen Irving, Heinz Klug, 2014 *Comparative Constitutional Law: A Contextual Approach* is an innovative new casebook that explores major differences in constitutional law by providing a rich array of narrative materials and cases which examine the context in which constitutional debates arise in Australia, Canada, South Africa, and the United States. We identify differences in the origin of political and legal institutions, dominant cultural values, and the effect of the age of a constitution, including path dependence, on each country's constitutional jurisprudence. The subject-specific chapters build to a concluding chapter providing students with abundant materials to assess the role of courts in protecting governmental systems and rights. The accompanying Teacher's Manual offers extensive guidance for taking advantage of the breadth--and depth--of coverage offered by the casebook. This book also is available in a three-hole punched, alternative loose-leaf version printed on 8.5 x 11 inch paper with wider margins and with the same pagination as the hardbound book.

Comparative Constitutional Reasoning András Jakab, Arthur Dyevre, Giulio Itzcovich, 2017-04-27 To what extent is the language of judicial opinions responsive to the political and social context in which constitutional courts operate? Courts are reason-giving institutions, with argumentation playing a central role in constitutional adjudication. However, a cursory look at just a handful of constitutional systems suggests important differences in the practices of constitutional judges, whether in matters of form, style, or language. Focusing on independently-verified leading cases globally, a combination of qualitative and quantitative analysis offers the most comprehensive and systematic account of constitutional reasoning to date. This analysis is supported by the examination of eighteen legal systems around the world including the European Court of Human Rights and the European Court of Justice. Universally common aspects of constitutional reasoning are identified in this book, and contributors also examine whether common law countries differ to civil law countries in this respect.

Constitutional Law Dr Oran Doyle, Tom Hickey (Law teacher), 2019-08-19

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